THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.2157 OF 2005

Dated: 6th April, 2006.

Between :

T. Kondapa Naidu … Petitioner

And

1. The General Manager, Bharat Sanchar Nigam Limited, Telecom District, Nellore, and 2 others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.2157 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the impugned letter dated 1-10-2004 addressed by the 1st respondent calling upon the petitioner to pay a sum of Rs.16,40,032/- immediately towards E.P.F. arrears as arbitrary and illegal.

The contention of the petitioner was that statutory enquiry under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') was still pending before the 3rd respondent and therefore without determining the liability, the first respondent was not justified in calling upon the petitioner to pay a sum of Rs.16,42,032/-.

This Court while directing Notice Before Admission by order dated 10-2-2005 while leaving it open to the respondents to proceed with the enquiry and to pass appropriate orders directed that till such orders are passed the respondents 1 and 2 shall not take any coercive steps against the petitioner in pursuance of the impugned proceedings.

Now, a counter-affidavit has been filed by the respondents stating that having completed the enquiry under Section 7-A of the Act, the 3rd respondent has passed an order on 13-7-2005 in which it was determined that the petitioner is liable to pay a sum of Rs.25,961/-.

The learned Counsel for the respondents across the bar submits that as a matter of fact the petitioner has already paid the said amount and accordingly full satisfaction has been recorded by the 1st respondent.

In the circumstances, nothing remains for consideration on merits. However, the learned Counsel for the petitioner submits that the petitioner is entitled for refund of certain amounts which the respondents failed to pay.

The petitioner is granted liberty to make appropriate representation before the respondents 1 and 2 for refund of the amounts to which he is entitled to, in which event the respondents may consider the same and pass appropriate orders in accordance with law.

The Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 6-4-2006
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